

Anthony J. Diana  
MAYER BROWN LLP  
1675 Broadway  
New York, NY 10019-5820  
adiana@mayerbrown.com  
Telephone: (212) 506-2500  
Facsimile: (212) 262-1910

*Attorney for Plaintiff  
AT&T Mobility LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

AT&T MOBILITY LLC,  
  
Plaintiff,

v.

JAVIER HIDALGO, CHRISTOPHER  
MARLBOROUGH, and HELEN LUCIANO,  
  
Defendants.

Case No. 2:11-cv-03907-SJF-AKT

ORAL ARGUMENT REQUESTED

**PLAINTIFF AT&T MOBILITY LLC'S NOTICE OF RULINGS  
REGARDING PENDING MOTIONS FOR PRELIMINARY  
INJUNCTION AND TO COMPEL ARBITRATION**

As the Court is aware, this action is one of eight lawsuits that AT&T Mobility LLC ("ATTM") has filed to obtain injunctions against a series of identical arbitrations brought by counsel for defendants, each of which seeks to enjoin the proposed merger between ATTM and T-Mobile USA, Inc. In each action, the parties have filed the same motions: ATTM has moved for a preliminary injunction of the arbitrations, and the defendants have moved to compel arbitration of ATTM's challenge to the arbitrability of the defendants' Demands for Arbitration.

Earlier today, two federal courts resolved the pending motions. In the order attached as Exhibit 1, Judge Legrome D. Davis of the Eastern District of Pennsylvania issued a preliminary injunction barring the defendant from “arbitrating the claims set forth in her arbitration demand” and denied her motion to compel arbitration. Order at 2, *AT&T Mobility LLC v. Smith*, No. 2:11-cv-05157-LDD (E.D. Pa. Oct. 7, 2011). In the order attached as Exhibit 2, Judge P. Kevin Castel of the Southern District of New York agreed that the five defendants’ demands cannot be arbitrated under ATTM’s provision: “As the only relief sought by the individual defendants is relief that is foreclosed by the language of the arbitration provision, the demand for arbitration is beyond the scope of disputes that the parties have agreed to arbitrate.” Mem. and Order at 7, *AT&T Mobility LLC v. Gonnello*, No. 1:11-cv-056336-PKC (S.D.N.Y. Oct. 7, 2011). Judge Castel therefore denied the defendants’ motion to compel arbitration and concluded that his ruling mooted the need to resolve ATTM’s preliminary injunction motion. *Id.* at 8.

Dated: October 7, 2011

By: /s/  
Anthony J. Diana  
MAYER BROWN LLP  
1675 Broadway  
New York, NY 10019-5820  
Telephone: (212) 506-2500  
Facsimile: (212) 262-1910  
  
*Attorney for Plaintiff*  
*AT&T Mobility LLC*

*Of counsel*  
Andrew J. Pincus  
Evan M. Tager  
Archis A. Parasharami  
Kevin Ranlett  
MAYER BROWN LLP  
1999 K Street, N.W.

Washington, DC 20006  
Telephone: (202) 263-3217  
Facsimile: (202) 263-5217